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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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10 Rodney Sheppard,

11 Petitioner,

12 vs.

13 Charles L. Ryan, et al.,

14 Respondents.
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No. CV-13-01723-PHX-PGR (LOA)

ORDER

16 Having reviewed *de novo* the Report and Recommendation of Magistrate
17 Judge Anderson notwithstanding that no party has filed any objections to the Report
18 and Recommendation, the Court finds that petitioner Rodney Sheppard's habeas
19 corpus petition, filed pursuant to 28 U.S.C. § 2254, should be dismissed with
20 prejudice as time-barred because it was filed more than one and half years after the
21 expiration of the AEDPA's one-year statute of limitations and the petitioner has not
22 shown that the limitations period should be equitably tolled. Therefore,

23 IT IS ORDERED that the Magistrate Judge's Report and Recommendation
24 (Doc. 13) is accepted and adopted by the Court.

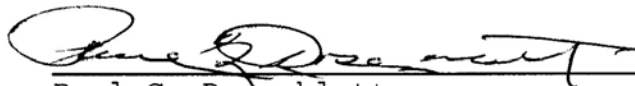
25 IT IS FURTHER ORDERED that petitioner Rodney Sheppard's Petition Under
26 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody is

1 denied as time-barred and that this action is dismissed with prejudice.

2 IT IS FURTHER ORDERED that no certificate of appealability shall issue and
3 that the petitioner is denied leave to appeal *in forma pauperis* because the dismissal
4 of the petitioner's habeas petition is justified by a plain procedural bar and jurists of
5 reason would not find the procedural ruling debatable.

6 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment
7 accordingly.

8 DATED this 2nd day of October, 2014.

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11 Paul G. Rosenblatt
United States District Judge